

**FILED**

**NOV 20 2003**

**NANCY MAYER WHITTINGTON, CLERK  
U.S. DISTRICT COURT**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

*In re LORAZEPAM & CLORAZEPATE  
ANTITRUST LITIGATION*

This Document Relates to:

ADVOCATES HEALTH CARE;  
ST. CHARLES HOSPITAL &  
REHABILITATION CENTER; DIK DRUG  
COMPANY and HARVARD PILGRIM  
HEALTH CARE, INC., on behalf of  
themselves and all others similarly situated,

Plaintiffs,

v.

MYLAN LABORATORIES, INC., *et al.*

Defendants.

MDL No. 1290 (TFH)  
Misc. No. 99ms276  
Judge Thomas F. Hogan

Case No.: 1:99cv00790  
Consolidated with  
Case No.: 99 c 2228  
(U.S. District Court for the  
District of Illinois)

Consolidated with  
Case No.: 02 cv 4598  
(U.S. District Court for the  
Southern District of New York)

**[PROPOSED] ORDER APPROVING INTERIM PAYMENT  
TO CLASS ADMINISTRATOR**

WHEREAS Direct Purchaser Class Plaintiffs have moved this Court for an order approving the payment of interim costs incurred by Class Counsel in connection with the payment of outstanding invoices of Poorman-Douglas Corporation, Class Administrator, which is currently administering the claims process and the distribution of payments to the Class Members out of the Direct Purchaser Settlement Fund; and

WHEREAS this Court has approved the settlements between Direct Purchaser Class Plaintiffs and all Defendants, and the Final Order and Judgment Approving Settlement between Direct Purchaser Class Plaintiffs and Defendants was filed on June 16, 2003; and

WHEREAS this Court has approved the appointment of Poorman-Douglas Corporation

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as Class Administrator to administer the distribution of the Notice of Proposed Settlement and Proof of Claim Forms, publication of Summary Notice and to process all Proofs of Claim and distribute the Direct Purchaser Settlement Fund to all eligible Class Members by Order filed April 11, 2003; and

WHEREAS this Court has ordered that the Class Administrator be compensated from the Direct Purchaser Settlement Fund Account for its services in connection with the notice and administration and the costs of giving mailed and published notice by Order filed April 11, 2003; and

WHEREAS, in the Final Order and Judgment, this Court has approved the notice of the settlement to the Class Members and the Allocation and Distribution Plan as proposed by Class Plaintiffs, and directed the Class Administrator to distribute the Direct Purchaser Settlement Fund in the manner provided in the Allocation and Distribution Plan; and

WHEREAS pursuant to paragraph 5(b) of the Escrow Agreement, the Court is required to approve notice costs and administrative costs and expenses prior to disbursement of funds by the Escrow Agent out of the Direct Purchaser Settlement Fund Account; and


WHEREAS Poorman-Douglas Corporation has submitted to Class Plaintiffs invoices in the amount of \$59,621.28 for services rendered from June 10, 2003 through September 30, 2003 in connection with the administrative costs of processing of claims submitted by Class Members, and such invoices are outstanding at this time; and

WHEREAS Class Plaintiffs desire to not require Poorman-Douglas Corporation to wait until the end of the entire claims process to receive payment on these outstanding invoices for such services rendered from June 10, 2003 through September 30, 2003.

NOW THEREFORE, IT IS HEREBY ORDERED that:

1. An interim payment in the amount of \$59,621.28 to Poorman-Douglas Corporation is approved, to be paid out of the Direct Purchaser Settlement Fund for services rendered from June 10, 2003 through September 30, 2003.
2. The Escrow Agent for the Direct Purchaser Settlement Account is authorized and directed to disburse \$59,621.28 to Class Counsel in order to pay such invoices of Poorman-Douglas Corporation.

SO ORDERED this the 20 day of January, 2003.

  
Thomas F. Hogan  
United States District Judge

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